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Permit No.: ST-9187
Issuance Date: September 7, 2005
Effective Date: October 1, 2005
Expiration Date: September 30, 2010

STATE WASTE DISCHARGE PERMIT ST-9187

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
CENTRAL REGIONAL OFFICE

In compliance with the provisions of the
State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington, as amended,
and
the Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.,
authorizes

TREE TOP, INC.
CASHMERE FACILITY
PO Box 0
Cashmere, WA 98815

to discharge wastewater in accordance with the special and general conditions which follow.

<u>Facility Address:</u>	<u>Discharge Location</u>
200 Titchenal Way	Latitude: 47° 30' 58" N
Cashmere, WA 98815	Longitude: 120° 27' 07" W
<u>Publicly Owned Treatment Works (POTW) Receiving Discharge:</u>	
City of Cashmere POTW	
<u>SIC Code and Industry Type:</u>	
2037: Processing of fresh apples and pears into juice concentrates.	

G. Thomas Tebb, L.E.G.
Section Manager
Water Quality Program
Central Regional Office
Washington State Department of Ecology

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SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A.	Discharge Monitoring Report	Monthly	November 15, 2005
S3.E.2.	Noncompliance Notification	As needed	As needed
S3.E.3.	Noncompliance Report	As needed	As needed
S4.A.	Updated Wastewater Operation and Maintenance Manual	As needed	As needed
S4.B.1.	Notification of Bypass	As needed	As needed
S4.B.3.	Request for Bypass	As needed	As needed
S7.C.	Solid Waste Control Plan Update	As needed	As needed
S8.	Updated Spill and Slug Discharge Prevention and Control Plan Certification	1/permit cycle	As needed
G1.	Signature Authorization/Delegation	As necessary	As necessary
G5.	Engineering Report for Construction or Modification Activities	As necessary	As necessary
G7.	Application for Permit Renewal	1/permit cycle	September 30, 2009
G8.	Notification of Permit Transfer	As necessary	As necessary
G11.	Copies of Records	As necessary	As necessary
G21.	Notification of Alterations and/or Modifications to Facilities or Processes	As necessary	As necessary
G22.	Permit Application for Substantive Changes to the Discharge	As necessary	As necessary
G23.	Relevant Facts or Information	As necessary	As necessary

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on **October 1, 2005** and lasting through **September 30, 2010**, the Permittee is authorized to discharge process wastewater to the City of Cashmere (City) Publicly-Owned Treatment Works (receiving POTW) subject to the complying with the following limitations:

EFFLUENT LIMITATIONS			
Parameter	Units	Average Monthly ^a	Maximum Daily ^b
BOD ₅	lbs/day	24,500	N/A
Flow	MGD	0.440	0.533
TSS	lbs/day	9,500	N/A
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.			
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge.			

S2. MONITORING REQUIREMENTS

A. Wastewater Monitoring

Beginning on **October 1, 2005** and lasting through **September 30, 2009**, the Permittee shall monitor its process wastewater discharged to the receiving POTW according to the following schedule:

Parameter	Units	Sampling Frequency	Sample Type
BOD	lbs/day	1/week ^a	24-hour composite ^b
Total Residual Chlorine	mg/L	Daily ^c	Grab ^d
Flow	MGD	Daily	Continuous ^e
pH	Standard Units	Daily	Continuous
Temperature	°C	Daily	Grab
TSS	lbs/day	1/week	24-hour composite
^a "1/week" means once during each calendar week and on a rotational basis throughout the days of the week.			
^b "24-hour composite" means a series of individual samples collected over a 24-hour period into a single container, and analyzed as one sample.			
^c "Daily" means 7 days per week.			
^d "Grab" means an individual sample collected in less than 15 minutes.			
^e "Continuous" means without interruption throughout the operating and discharging hours of the Permittee's facility, except for infrequent shutdowns for calibration, power failure, and maintenance			

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136, or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least 1 calibration per year. Calibration records shall be maintained for at least 3 years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, pH, and internal process control parameters are exempt from this requirement, with the exception that pH shall be accredited if the laboratory must otherwise be registered or accredited.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The failure to disclose, falsification of, or misrepresentation of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

This permit's first monitoring period (calendar month) begins on **October 1, 2005**. Monitoring results obtained during each monitoring period shall be summarized, reported and submitted monthly on a **Discharge Monitoring Report** (DMR) form provided, or otherwise approved, by the Department. Submitted DMR forms shall be received by the Department no later than the 15th day of the month following the previously completed monitoring period. The DMRs shall be limited to all of the parameters specified in Condition S2. of this permit and shall be sent, by the Permittee, to:

Water Quality Permit Data Systems Manager
Washington State Department of Ecology
Central Region Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902

The DMRs shall be submitted monthly whether or not the facility was discharging. If there was no discharge during a given monitoring period, the Permittee shall submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of 3 years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of such monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMRs.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of a noncompliance immediately and submit the results to the Department within 30 days after becoming aware of the violation;

2. Immediately, within 24 hours, submit to the Department a **Noncompliance Notification** of the failure to comply; and
3. Submit, to the Department, a detailed **Noncompliance Report** within 30 days (five days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Dangerous Waste Discharge Notification

The Permittee shall notify the receiving POTW and the Department in writing of the intent to discharge into the receiving POTW any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. This notification shall be made at least 90 days prior to the date that discharge is proposed to be initiated.

G. Spill Notification

The Permittee shall notify the receiving POTW immediately (as soon as discovered) of all discharges that could have the potential to cause problems to the receiving POTW, such as process spills and unauthorized discharges (including slug discharges).

S4. OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which installed by a Permittee only when their operation is necessary to achieve compliance with the conditions of this permit.

A. Wastewater Operations and Maintenance Manual

The Permittee shall review the manual annually and update the plan as needed. The manual shall address operations and maintenance of pretreatment equipment and processes within the processing plant. The Department-approved O&M Manual shall be kept available at the Permittee's facility at all times. All applicable operators shall follow the instructions and procedures of the manual.

The Wastewater O&M Manual shall, at a minimum, contain all of the following:

1. All process wastewater process control operational instructions utilized in order to comply with the effluent limitations of this permit;
2. A complete process wastewater monitoring schedule;
3. Operation and maintenance of all monitoring equipment utilized to monitor permit compliance;
4. A complete set of emergency procedures for plant shutdown and cleanup in event of process wastewater pretreatment system shut-down or failure, including the shutdown or failure of the City's BVF Pretreatment Unit; and
5. All process wastewater-related maintenance procedures.

B. Bypass Procedures

The Permittee shall immediately notify the Department and the receiving POTW of any spill, overflow, or bypass from any portion of the process wastewater collection or pretreatment systems.

Bypass, which is the intentional diversion of process waste streams from any portion of the Permittee's process wastewater pretreatment facilities, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable:

1. Bypass for Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit, to the Department, a **Notification of Bypass** at least 10 days prior to the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated and Results in Noncompliance of this Permit

Bypass is authorized only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the process wastewater pretreatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass;
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary pretreatment facilities, retention of untreated process wastewater, stopping production, maintenance during normal periods of equipment down time (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated process wastewater or inadequately-treated process wastewater to another pretreatment facility; and
- c. The Department was properly notified of the bypass as required in Condition S3.E. of this permit.

3. Bypass Which is Anticipated and Has the Potential to Result in Noncompliance of this Permit

The Permittee shall submit, to the Department, a **Request for Bypass** at least 30 days prior to the planned date of bypass. The notification shall, at a minimum, contain the following:

- a. A description of the bypass and its cause;
- b. An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing;
- c. A cost-effectiveness analysis of alternatives including comparative resource damage assessment;
- d. The minimum and maximum duration of bypass under each alternative;
- e. A recommendation as to the preferred alternative for conducting the bypass;

- f. The projected date of bypass initiation; and
- g. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

After consideration of the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the Permittee's request for bypass. The Department will consider the following factors prior to issuing an administrative order of approval for bypass under Chapter 90.48.120 RCW:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to comply with the requirements of this permit;
- b. If there are feasible alternatives to bypass, such as the use of auxiliary pretreatment facilities, retention of untreated or inadequately-pretreated process wastewaters, stopping production, maintenance during normal periods of equipment downtime, or transport of untreated or inadequately-pretreated wastewater to another pretreatment facility; and
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

The public shall also be notified by the Permittee and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible.

S5. PROHIBITED DISCHARGES

A. General Prohibitions

The Permittee shall not introduce into the receiving POTW pollutant(s) which cause "pass-through" or "interference".

B. Specific Prohibitions

In addition, the following shall not be introduced into the receiving POTW:

1. Pollutants which create a fire or explosion hazard in the receiving POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60°C (140°F) using the test methods specified in 40 CFR 261.21;
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the receiving POTW resulting in "interference";
3. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the receiving POTW;
4. Heat in amounts which will inhibit biological activity in the receiving POTW resulting in interference, but in no case heat in such quantities that the temperature at the receiving POTW exceeds 30 °C;
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the receiving POTW in a quantity that may cause acute worker health and safety problems;
7. Any trucked or hauled pollutants, except at discharge points designated by the receiving POTW; and
8. Pollutants which will cause corrosive structural damage to the receiving POTW.

C. Prohibited Unless Approved

1. Any of the following discharges are prohibited from being discharged into the receiving POTW unless pre-approved in writing by the Department under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):
 - a. Noncontact cooling water in volumes greater than 100 gallons per day;
 - b. Storm water and other direct inflow sources; or
 - c. Wastewaters that would significantly affect the receiving POTW hydraulic loading, and which do not require treatment or would not be afforded a significant degree of treatment by the receiving POTW.
2. Unless specifically authorized in this permit, the discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

S6. DILUTION PROHIBITED

The Permittee shall not dilute the process wastewater discharge with stormwater, potable water, nor noncontact cooling water. The Permittee shall not, in any way, attempt to dilute a process wastewater effluent as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in this permit.

S7. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into State ground water, surface water or the receiving POTW.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter State waters without providing "all known, available and reasonable methods of prevention, treatment and control" (AKART), nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to State ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall review the plan annually and submit an updated Solid Waste Control Plan to the Department as needed. The plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include, at a minimum, a description, source, generation rate, and disposal methods of all solid wastes. The plan shall not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the Solid Waste Control Plan must be submitted to the Department for approval.

The Permittee shall comply with the Solid Waste Control Plan and all applicable modifications thereof. The most current Department-approved Solid Waste Control Plan shall be maintained at the Permittee's facility and be readily available to facility personnel. The Permittee shall submit an update of the plan, or a certification that it is current with the application for permit renewal.

S8. SPILL AND SLUG DISCHARGE PREVENTION AND CONTROL PLAN

The Permittee shall submit to the Department an updated Spill and Slug Discharge Prevention and Control Plan as needed for the prevention, containment, and control of spills or unplanned releases. The Permittee shall review the plan annually and update the plan as needed. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The Spill and Slug Discharge Prevention and Control Plan shall include the following:

1. A description of a reporting system to be used to immediately notify facility management, the POTW operator, and appropriate State, Federal, and local authorities of any spills or slug discharges, and provisions to provide a written follow-up report within 5 days;
2. A description of operator training, equipment, and facilities (including overall facility plan) for preventing, containing, or treating spills or slug discharges;
3. A list of all raw materials, products, chemicals, and hazardous materials used, processed, or stored at the facility; the normal quantity maintained on the premises for each listed material; and a map showing where they are located.
4. A description of discharge practices for batch and continuous processes under normal and non-routine circumstances;
5. A brief description of any unauthorized discharges which occurred during the 36-month period preceding the effective date of this permit and subsequent measures taken by Permittee to prevent or to reduce the possibility of further unauthorized discharges; and
6. An implementation schedule including additional operator training and procurement and installation of equipment or facilities required to properly implement the plan.

Plans and manuals required by 40 CFR Part 112, contingency plans required by chapter 173-303 WAC, or other plans required by other agencies which meet the intent of this section may be submitted.

The current approved plan shall be maintained on the plant site and be readily available to facility personnel. The Permittee shall submit an update of the Spill and Slug Discharge Prevention and Control Plan, or a certification that it is current with the application for permit renewal.

GENERAL CONDITIONS

G1. SIGNATURE AUTHORIZATION/DELEGATION

All applications, reports, or information submitted to the Department shall be signed as follows:

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by the person described above and is submitted to the Department at the time of authorization; and,
 - 2. The authorization specifies either a named individual or any individual occupying a named position.
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G2. RIGHT OF ENTRY

Representatives of the Department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the State. Reasonable times shall include normal business hours; hours during which production,

treatment, or discharge occurs; or times when the Department suspects a violation requiring immediate inspection. Representatives of the Department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the State; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least 1 year prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and the receiving POTW is notified; and,
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee shall control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the effluent stream for discharge.

G11. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G12. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to \$10,000 for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.